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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,321	07/08/2005	Pierre Le Bot	262421US6PCT	3878
22850	7590	04/15/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
CAJILIG, CHRISTINE T				
ART UNIT		PAPER NUMBER		
3633				
NOTIFICATION DATE		DELIVERY MODE		
04/15/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/516,321

Applicant(s)

LE BOT ET AL.

Examiner

CHRISTINE T. CAJILIG

Art Unit

3633

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26, 28, 30-47 and 51 is/are pending in the application.
- 4a) Of the above claim(s) 30, 33, 38 and 42-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26, 28, 31, 32, 34-37, 39-41 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-849)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28, 31, 32, and 34-37 and are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 28, 31, 32, and 34-37 further define features of the panel. However, claim 26, from which the claims above depend, only claims a fixing system *adapted to be secured to a panel*, and unlike claim 51, does not claim the combination of the panel and the fixing system. Further defining an element which is not claimed renders the dependent claims to be indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26, 28, 31, 32, 34-37, and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Prendergast (U.S. Patent No. 1,454,335).

Regarding claim 26, Prendergast discloses a fixing system adapted to be secured to a panel of fragile material wherein the panel comprises two faces and at

least one edge surface connecting said faces, wherein the at least one edge surface comprises a first contact region and a second contact region, wherein a portion of said panel is interposed between said first and second contact regions, the fixing system comprising: at least one point fastener comprising a first anchoring part (4) *configured to engage said first contact region* and a second anchoring part (5) *configured to engage said second contact region*; and at least one adjusting device (9, 10) *configured to apply a force in a direction parallel to said faces and along a line connecting the first and second anchoring parts to draw the first and second anchoring parts toward one another, whereby the first and second anchoring parts bear against the interposed portion of the panel at the first and second contact regions, respectively.*

Regarding claim 28, 31, 32, and 34-37, the structure of Prendergast discussed above would inherently be able to engage a panel as described in those claims. As noted in the 112, 2nd paragraph above, the panel is not being claimed.

Regarding claim 39, Prendergast further discloses that the adjusting device comprises a tensioning device.

Regarding claim 40, Prendergast further discloses that the tensioning device comprises a screw-nut device.

Regarding claim 41, Prendergast further discloses that the adjusting device comprises a torque-limiting device.

Claim 51 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (U.S. Patent No. 222,279).

Regarding claim 51, Johnson discloses an assembly comprising: a panel of fragile material (A) having two faces and at least one edge surface connecting said faces, the at least one edge surface comprising a first contact region (at F) and a second contact region (at E), wherein a portion of said panel is interposed between said first and second contact regions; and at least one point fastener comprising a first anchoring part (E) configured to engage said first contact region and a second anchoring part (F) configured to engage said second contact region; and at least one adjusting device (D) configured to apply a force in a direction parallel to said faces and along a line connecting the first and second anchoring parts to draw the first and second anchoring parts toward one another, whereby the first and second anchoring parts bear against the interposed portion of the panel at the first and second contact regions, respectively.

Response to Arguments

Applicant's arguments with respect to claims 26 and 51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gelette (US 1789740); Gale (US 412,953); Jolkovski (US 4282668).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTINE T. CAJILIG** whose telephone number is (571)272-8143. The examiner can normally be reached on **Monday - Thursday** from 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. C./
Examiner, Art Unit 3633

/Robert J Canfield/
Supervisory Patent Examiner, Art Unit 3635